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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROY DEN HOLLANDER and WILLIAM A. NOSAL,

Plaintiffs on behalf of themselves and all  
others similarly situated,

v.

INSTITUTE FOR RESEARCH ON WOMEN &  
GENDER AT COLUMBIA UNIVERSITY; SCHOOL  
OF CONTINUING EDUCATION AT COLUMBIA  
UNIVERSITY; TRUSTEES OF COLUMBIA  
UNIVERSITY IN THE CITY OF NEW YORK; U.S.  
DEPARTMENT OF EDUCATION; MARGARET  
SPELLINGS, U.S. SECRETARY OF EDUCATION in  
her official capacity; BOARD OF REGENTS OF THE  
UNIVERSITY OF THE STATE OF NEW YORK, in his  
or her official and individual capacity; CHANCELLOR  
OF THE BOARD OF REGENTS, ROBERT M.  
BENNETT, in his official and individual capacity; NEW  
YORK STATE COMMISSIONER OF THE  
DEPARTMENT OF EDUCATION, RICHARD P.  
MILLS, in his official and individual capacity;  
PRESIDENT OF THE NEW YORK STATE HIGHER  
EDUCATION SERVICES CORP., JAMES C. ROSS, in  
his official and individual capacity,

Defendants.

08 Civ. 7286 (LAK) (KNF)

ECF Case

**DECLARATION OF  
JEAN-DAVID BARNEA IN  
SUPPORT OF THE FEDERAL  
DEFENDANTS' MOTION TO  
DISMISS THE FIRST  
AMENDED CLASS ACTION  
COMPLAINT**

I, Jean-David Barnea, pursuant to 28 U.S.C. § 1746, declare under the penalty of perjury  
as follows:

1. I am an Assistant United States Attorney in the Office of the United States Attorney for the Southern District of New York. This Office serves as counsel to Defendants the U.S. Department of Education and Margaret Spellings, Secretary of Education (collectively, the “Federal Defendants”) in the above-captioned action. I make this declaration in support of the Federal Defendants’ motion to dismiss the amended complaint in the above-captioned action.

2. Attached as Exhibit A to this declaration is a true and correct copy of certain pages from a report entitled *Handbook of Institutional Accreditation*, authored by the New York State Board of Regents and the Commissioner of Education, and dated June 2007, which I printed from the New York Department of Education’s website, at <http://www.highered.nysed.gov/ocue/accreditation/handbook/documents/AccreditationHandbookRevisedJune2007.pdf>.


3. Attached as Exhibit B to this declaration is a true and correct copy of the entry for Columbia University in the online *Institution Directory* of the Middle States Commission on Higher Education, which I printed from the Commission’s website at [http://www.msche.org/institutions\\_view.asp?idinstitution=144](http://www.msche.org/institutions_view.asp?idinstitution=144).

4. Attached as Exhibit C to this declaration is a true and correct copy of a report entitled *Guide to U.S. Department of Education Programs* (2008) by the U.S. Department of Education’s Office of Communications and Outreach, which I printed from the Department’s website, at <http://www.ed.gov/programs/gtep/gtep.pdf>.

5. Attached as Exhibit D to this declaration is a true and correct copy of a webpage on the U.S. Department of Education’s website entitled *Women’s Educational Equity–Awards*, which I printed from the Department’s website at <http://www.ed.gov/programs/equity/awards.html>.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signed this 9th day of January, 2009, in New York, New York.

By:   
JEAN-DAVID BARNEA  
Assistant U.S. Attorney